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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re E.O., a Person Coming Under the  
Juvenile Court Law.

B250419  
(Los Angeles County  
Super. Ct. No. CK98861)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

O.O.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of the County of Los Angeles, Robert S. Draper, Judge. Affirmed.

Roni Keller, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, Jessica S. Mitchell, Deputy County Counsel for Plaintiff and Respondent.

## INTRODUCTION

Objector and appellant O.O. (father), the father of female minor, E.O., appeals from the juvenile court's jurisdictional finding and disposition orders. According to father, there was insufficient evidence to support the juvenile court's finding that E.O. was a person described in Welfare and Institutions Code section 300<sup>1</sup> and its orders declaring her a dependant of the court and removing custody of her from father.

We hold that because the juvenile court also based its jurisdictional finding on the allegations against E.O.'s mother, V.M. (mother), we affirm the jurisdictional finding on that basis without addressing the sufficiency of the evidence in support of the allegations against father. We further hold that because substantial evidence supported the disposition orders declaring E.O. a dependent of the juvenile court and removing her from father, we affirm those orders as well.

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## FACTUAL AND PROCEDURAL BACKGROUND

In April, 2013, the Department of Children and Family Services (DCFS) filed a petition under section 300 alleging in paragraphs a-3 and b-3 as follows: "[Mother and father had] a history of engaging in violent altercations in which [father] struck . . . mother's face, causing . . . mother's nose to bleed, [and] pull[ed] . . . mother's hair in the presence of [her son D.O.] [Father] grabbed . . . mother's hair and pushed [her] onto a bed. [Father] struck a wall with [his] fists, causing a hole in the wall, in the presence of the children. Father threatened to cut . . . mother's hands off and threatened to kill [her] and the children while [father] held a knife in his hands. [M]other failed to protect the children [including E.O.], in that she allowed [father] to reside in the children's home and have unlimited access to [them]. [Father had] a criminal history of a conviction of Battery: Spouse. Such violent altercations on the part of [father] against . . . mother, and

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

. . . mother's failure to protect the children, endanger[ed] the children's physical health and safety and place[d] the children at risk of physical harm, damage, danger and failure to protect."

At the April 2013 detention hearing, the juvenile court detained E.O. and her brother and released them to mother under an order that required father "to stay away from mother's home." Father was granted monitored visitation with E.O.

At the contested June 4, 2013, jurisdiction/disposition hearing, the juvenile court admitted DCFS's detention and jurisdiction reports. Based on that evidence, the juvenile court sustained the petition based on paragraphs a-3 and b-3, found E.O. and her sibling to be persons described in section 300, subdivisions a and b, declared the children dependents of the juvenile court, removed E.O. from father's custody, and placed her in the home of mother. On June 5, 2013, one day after the juvenile court issued its disposition orders, the children were detained from mother and placed in foster care because she allowed father inside the home and gave him access to her children in violation of the juvenile court's order.

## **DISCUSSION**

### **A. Jurisdictional Finding**

Father challenges the sufficiency of the evidence in support of the juvenile court's true findings on the jurisdictional allegations asserted against him in the petition. But father does not challenge the sufficiency of the jurisdictional allegations asserted against mother that were found true by the juvenile court.

"When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.' [Citation.]" (*In re I.J.*

(2013) 56 Cal.4th 766, 773.) “It is commonly said that the juvenile court takes jurisdiction over children, not parents. [Citations.] While this is not strictly correct, since the court exercises *personal* jurisdiction over the parents once proper notice has been given [citation], it captures the essence of dependency law. The law’s primary concern is the protection of children. [Citation.] The court asserts jurisdiction with respect to a child when one of the statutory prerequisites listed in section 300 has been demonstrated. [Citation.] The acquisition of personal jurisdiction over the parents through proper notice follows as a consequence of the court’s assertion of dependency jurisdiction over their child. [Footnote omitted.] [Citations.] Parental personal jurisdiction allows the court to enter binding orders adjudicating the parent’s relationship to the child [citation], but it is not a prerequisite for the court to proceed, so long as jurisdiction over the child has been established. [Citation.] Further, every parent has the option not to participate in the proceeding, even if properly noticed. [Citation.] [¶] As a result of this focus on the child, it is necessary only for the court to find that one parent’s conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child. [Citations.] Once the child is found to be endangered in the manner described by one of the subdivisions of section 300—e.g., a risk of serious physical harm (subds. (a) & (b)), serious emotional damage (subd. (c)), sexual or other abuse (subds. (d) & (e)), or abandonment (subd. (g)), among others—the child comes within the court’s jurisdiction, even if the child was not in the physical custody of one or both parents at the time the jurisdictional events occurred. [Citation.] For jurisdictional purposes, it is irrelevant which parent created those circumstances. A jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established. [Citation.] As a result, it is commonly said that a jurisdictional finding involving one parent is ““good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent.”” [Citation.] For this reason, an appellate court may decline to address the evidentiary support for any remaining

jurisdictional findings once a single finding has been found to be supported by the evidence. [Citations.]” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491-1492.)

Based on the foregoing authority, we conclude that the jurisdictional finding as to mother was sufficient to support the juvenile court’s exercise of jurisdiction over E.O. Specifically, there was, *inter alia*, substantial evidence in the form of a police report showing that in August 2011, father grabbed mother by her hair, threw her onto a bed, threatened to kill her while holding a knife, and punched a hole in the wall. That violent physical conduct caused mother to fear for her life and resulted in father’s arrest, incarceration, and deportation. Nevertheless, when father illegally reentered the United States in November 2012, mother allowed him to move back in with her and her children.

Because father does not challenge the findings as to mother, it is undisputed that the juvenile court had the jurisdiction to declare E.O. a dependent of the court and make other disposition orders as to her. Thus, there is no need to review the evidence in support of the allegations against father to determine if they were supported by substantial evidence. Based on the unchallenged, sustained allegations against mother, we affirm the juvenile court’s finding that E.O. was a person described in section 300, subdivisions (a) and (b).

## **B. Disposition Order**

Father contends that even if the juvenile court had jurisdiction over E.O., it nevertheless abused its discretion when it declared E.O. a dependent of the juvenile court. According to father, there was no evidence that E.O. was at current risk of harm.

“Once the juvenile court finds jurisdiction under section 300, it must adjudicate the child a dependent unless the severity of the case warrants nothing more than Agency’s supervision of family maintenance services. Under section 360, subdivision (b), if appropriate, the court may, without adjudicating the child a dependent, order that services be provided to keep the family together under the informal supervision of the child welfare agency. (§§ 360, subd. (b), 301; Cal. Rules of Court, rule 5.695(a)(2).) [¶] Whether to exercise this option under section 360, subdivision (b), is a discretionary call

for the juvenile court to make; it may opt to do so, but it need not. ‘The court has broad discretion to determine what would best serve and protect the child’s interest and to fashion a dispositional order in accord with this discretion.’ (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006 [57 Cal.Rptr.2d 861].) As an appellate court, we cannot reverse the court’s dispositional order absent a clear abuse of discretion. (*Ibid.*) A court exceeds the limits of legal discretion if its determination is arbitrary, capricious or patently absurd. The appropriate test is whether the court exceeded the bounds of reason. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319 [27 Cal.Rptr.2d 595, 867 P.2d 706].)” (*In re N.M.* (2011) 197 Cal.App.4th 159, 171.)

Here, the juvenile court did not abuse its discretion when it declared E.O. a dependent of the court. The true findings on the allegations against mother established that in the past, mother had failed to protect E.O. from father’s serious domestic violence against mother, violence that was so serious it resulted in his arrest, conviction, and deportation. Moreover, once father illegally reentered the United States in November 2012, mother allowed him to live with her and her children and have unlimited access to them. When DCFS questioned her decision to allow father access to her children, mother stated that she was not afraid of father and did not believe he placed her children in danger. Even after the juvenile court ordered father to stay away from mother’s home in April 2013, mother allowed him to stay at the home for several days in May 2013 while she and the children were gone.

Based on the true findings as to mother and the foregoing evidence, it was not an abuse of discretion for the juvenile court to conclude that declaring E.O. a dependent of the court was necessary so that DCFS could actively supervise the family to ensure that mother appreciated the risk to E.O. from father’s past violent and physically abusive conduct and her own failure to protect E.O. from such risk.<sup>2</sup>

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<sup>2</sup> Any doubt about the reasonableness of the juvenile court’s concern that mother failed to appreciate the risk posed by father was eliminated when, one day after the juvenile court issued its disposition order, mother violated that order by allowing father into her home and gave him access to E.O.

## **DISPOSITION**

The jurisdictional findings and disposition orders from which father appeals are affirmed.

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MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.